

U.S. Department of Justice



United States Attorney
Southern District of New York

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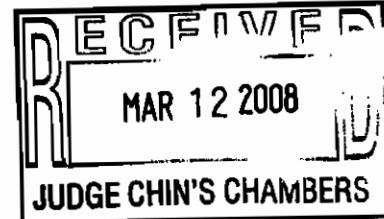
86 Chambers Street
New York, New York 10007

March 11, 2008

BY HAND DELIVERY

Honorable Denny Chin
United States District Judge
Southern District of New York
500 Pearl Street, Room 1020
New York, NY 10007

Re: Diaz v. Department of Defense, et al.
08 Civ. 370 (DC)



Dear Judge Chin:

On February 28, 2008, this Office was served with *pro se* plaintiff Salvador Diaz's complaint against defendants Department of Defense, the Judge Advocate General of the Navy, and Charles W. Dorman. Pursuant to Fed. R. Civ. P. 12(a)(2), the Government's time to answer or otherwise respond to Plaintiff's complaint runs on April 29, 2008.

The above-captioned case was assigned to the undersigned Assistant United States Attorney on March 7, 2008. Upon reviewing the docket sheet that day, I learned that the Honorable Kimba Wood had issued an order *sua sponte* dated January 15, 2008, that dismissed Plaintiff's complaint: (1) to the extent he alleges "claims for declaratory relief in an effort to have his military conviction by court-martial and the associated sentence voided"; and (2) to the extent he seeks to have this Court review and/or intervene in any ongoing proceeding in any New York Supreme Court related to the designation of plaintiff as a sex offender under New York law. At the same time, I also learned that Plaintiff had filed a motion, dated January 24, 2008, for reconsideration of Judge Wood's order pursuant to Local Civil Rule 6.3. Plaintiff has not served the Government with a copy of the motion for reconsideration.

On March 10, 2008, this Office obtained from the Clerk's Office a copy of Plaintiff's motion for reconsideration. In light of the delay in receiving Plaintiff's motion for reconsideration, the Government respectfully requests leave to submit a letter brief in opposition to Plaintiff's motion on or before March 25, 2008.

Approved
so ORDERED
JCH
USDJ 3/18/08

Honorable Denny Chin
March 11, 2008

We thank the Court for its consideration of this request.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York

By:



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